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6600/2900

November 21, 2001

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/605,703  
Entitled: *Corynebacterium glutamicum* Genes Encoding Novel Pr  
Inventors: Markus Pompejus, et al.  
Filed: June 27, 2000  
Our Reference No.: BGI-129CP

Dear Sir:

I enclose herewith for filing in the above-identified application the follow

1. Preliminary Amendment and Response to Notice to Comply with I for Patent Applications Containing Nucleotide Sequence and/or A Sequence Disclosures;
2. Copy of Notice to Comply with Requirements;
3. Transmittal Letter for Compact Disk Containing Substitute Sequence Listing;
4. Paper copy of Substitute Sequence Listing (pages 1-3,350);
5. Compact Disk containing Substitute Sequence Listing;
6. Request for Two-Month Extension of Time (in duplicate);
7. Check in the amount of \$400.00 for the extension fee; and
8. Return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. *A duplicate of this sheet is enclosed.*

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

November 21, 2001

Date

Debra J. Milasincic, Esq. Reg. No. 46,931

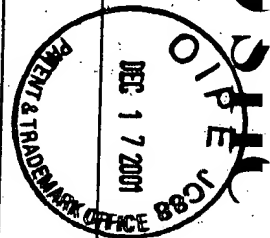
Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Debra J. Milasincic, Esq.  
Reg. No. 46,931 for  
Elizabeth A. Hanley, Esq.  
Reg. No. 33,505  
Attorney for Applicants

BEST AVAILABLE COPY

DATE:



U.S. PATENT & TRADEMARK OFFICE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompejus, *et al.*

Group Art Unit: 1631

Serial No.: 09/605,703

Examiner: M. Moran

Filed: June 27, 2000

For: *Corynebacterium glutamicum* Genes  
Encoding Novel Proteins

Attorney Docket No.: BGI-129CP

Commissioner for Patents  
Box Sequence Listing  
Washington, D.C. 20231

**TRANSMITTAL LETTER FOR COMPACT DISK OF  
SUBSTITUTE SEQUENCE LISTING**

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed from the Patent Office on August 23, 2001, Applicants enclose a Compact Disk (CD) which contains a self-extracting file containing a computer readable form of a Substitute Sequence Listing for the above-referenced patent application filed June 27, 2000. The compact disc is formatted from an IBM-PC and is compatible with MS-Windows. The compact disc contains the following file: seqlistcorr.txt, containing 8,392kb. This file was created on November 20, 2001. The Substitute Sequence Listing contained on the enclosed compact CD is understood to comply with the requirements of 37 C.F.R. § 1.52 and 37 C.F.R. §1.821-1.825. The material on this diskette is identical in substance to the hard (paper) copy of the Substitute Sequence Listing appearing on substitute pages 1-3,350 which are submitted herewith, as required by 37 CFR §1.821(f). *No new matter has been added.*

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on:

November 21, 2001

Date

Debra J. Milasincic, Esq. Reg. No. 46,931

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Debra J. Milasincic, Esq.

Reg. No. 46,931 for

Elizabeth A. Hanley, Esq.

Reg. No. 33,505

Attorney for Applicants

Dated: November 21, 2001



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

RECEIVED  
DEC 20 2006  
TECH CENTER 1600 9900

DOCKETED

Sept 23, 2001 - Sequence Litz & Surchage  
Feb 23, 2002 - ESP W/5EXT

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED LAHIVE & COCKFIELD DOCKET DEPT.
AUG 29 2001
RECEIVED 8/30/01 Mac
9/10

Art Unit: 1631

### ***Sequence Compliance***

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). A computer readable form (CRF) of the sequence listing was submitted. However, the CRF could not be processed by the Scientific and Technical Information Center (STIC) because it was submitted on a zip disk. A zip disk is not an acceptable computer readable format under 35 CFR 1.824. See also the attached CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Diskette Problem Report with the reply.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marjorie A. Moran whose telephone number is (703)

Art Unit: 1631

305-2363. The examiner can normally be reached on Monday to Friday, 7:30 am to 4 pm-EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (703) 308-4028. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and (703) 308-4556 for After Final communications.

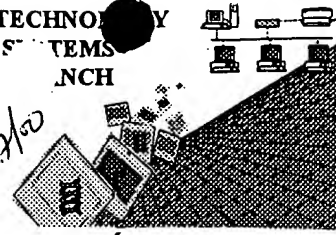
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to a Patent Analyst, Dianiece Jacobs, whose telephone number is (703) 305-3388.

*msm*  
Marjorie A. Moran  
August 22, 2001

*Marianne P. Allen*  
MARIANNE P. ALLEN  
PRIMARY EXAMINER  
GROUP 1  
161631



BIOTECHNOLOGY  
SYSTEMS  
ANCH



location  
0560  
1641

## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/605,703

Filing Date: 6/29/2000

Date Processed by STIC: 7/17/2000

STIC Contact: Mark Spencer, 703-308-4212

RECEIVED

MAR 26 2001

TECH CENTER 1600/2900

### Nature of Problem:

The CRF (was):

☐ (circle one) Damaged or Unreadable (for Unreadable, see attached)

☐ Blank (no files on CRF) (see attached)

☐ Empty file (filename present, but no bytes in file) (see attached)

☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.

☐ Not saved in ASCII text

☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.

☒ Did not contain a Sequence Listing. (see attached sample)

Other: Zip disk submitted. Per 1.824 of new Sequence Rules, all acceptable computer forms shown.

PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS. readable forms shown.  
SEE BELOW FOR DETAILS:

### Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

Zip disks are not indicated as an acceptable computer readable form.

DEC 17 2001

Application No.: 09/605,703

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**